

The Little Traverse Bay Bands of Odawa Indians
Tribal Council Meeting
Tribal Council Chambers
7500 Odawa Circle
Harbor Springs, MI 49740

Closed Session: yes

Call to Order: Meeting was called to order at: 9:05 a.m.

Opening Ceremony: Beatrice A. Law

Council Present: Secretary Aaron Otto, Treasurer Marcella Reyes, Councilor Frank Bernard, Councilor David Harrington, Councilor Beatrice Law, Councilor McNamara, Councilor Michael Naganashe, Councilor Julia Shananaquet
Absent: none

Legislative Office Staff Present: Legislative Services Attorney Donna Budnick, Legislative Office Manager Michele Portman-LaCount, Sr. Financial Analyst Stella Kay

Executive Officials and Staff Present: Tribal Chair Regina Gasco Bentley, Tribal Administrator Albert Colby, Jr.

Judicial Officials and Staff: none

Invited Guests: Ziibimijwang Inc., Regina Brubaker-Carver, Tribal Historic Preservation Officer Wesley Andrews

Motion made by Councilor Law and supported by Treasurer Reyes to adopt the agenda for January 7, 2016 as amended.

Vote: 8 - Yes, 0 - No, 0 - Abstained, 0 – Absent

Motion carried.

Motion made by Treasurer Reyes and supported by Councilor Law to approve the minutes of December 10, 2015 as corrected.

Vote: 8 - Yes, 0 - No, 0 - Abstained, 0 – Absent

Motion carried.

Motion made by Councilor Law and supported by Treasurer Reyes to acknowledge receipt of the Ziibimijwang Inc., verbal 2015 4th Quarter report for as presented by Regina Burbaker-Carver.

Vote: 8 - Yes, 0 - No, 0 - Abstained, 0 – Absent

Motion carried.

1 Motion made by Councilor Law and supported by Councilor Shananaquet to
2 accept the verbal and written Executive Oversight Report as presented by
3 Chairperson Gasco-Bentley.

4 Vote: 8 - Yes, 0 - No, 0 - Abstained, 0 – Absent

5 Motion carried.

6
7 Legislative Leader Report: Absent

8
9 **10:23 a.m. Break.** Councilor Naganashe left the meeting.

10 **10:29 a.m. Resumed.**

11
12 Secretary Report:

13
14 i. Documents Delivered to the Executive:

15
16 Tribal Resolution #121015-01; Supplemental Funding in the Amount of
17 \$40,000, for Department of Kikaajik.

18 Submitted to the Executive on 12-14-15 and signed on 12-14-15.

19
20 Tribal Resolution #121015-02; Authorizing Gijigowi Anishinaabemowin
21 Language Department to Carryover Department Raised Revenue.

22 Submitted to the Executive on 12-14-15 and signed on 12-14-15.

23
24 Tribal Resolution #121015-03; Budget Modification for Employee
25 Appreciation.

26 Submitted to the Executive on 12-14-15 and signed on 12-14-15.

27
28 Tribal Resolution #121015-04; Budget Modification for Communication
29 budget.

30 Submitted to the Executive on 12-14-15 and signed on 12-14-15.

31
32 Tribal Resolution #121015-05; Use of 3rd Party Billing Funds, in the
33 amount of \$7,438.00, for Dental Clinic Construction.

34 Submitted to the Executive on 12-14-15 and signed on 12-14-15.

35
36 Tribal Resolution # 121015-06; Authorizing Swap Documents and Related
37 Documents from Wells Fargo Bank, National Association, Authorizing
38 Tribal Appropriations for Payments of the Swap Obligations, Affirming
39 Adoption of Law Governing the Arbitration of Disputes related to the Loan
40 (including the Swap), and Law Regarding Security Interests and
41 Addressing Related Matters.

42 Submitted to the Executive on 12-10-15 and signed on 12-10-15.

43
44 Tribal Resolution #121015-07; Supplemental Funding Request to Operate
45 Bell's Fisheries for FY 2016.

46 Submitted to the Executive on 12-14-15 and signed on 12-14-15.

Tribal Resolution #122115-01; Authorizing Department of Natural Resources Department to Carryover FY 2015 Treaty Enhancement Funds, in the amount of approximately \$30,000.00.

Submitted to the Executive on 12-23-15 and signed on 12-23-15.

Tribal Resolution #122115-02; Amendment to Tribal Resolution # 042715-01, Appropriation of Funds for the 2016 Operating Budgets and Restatement of Funding Allocation for the 2016 Fiscal Year, to address FY 2016 Budget Emergency.

Submitted to the Executive on 12-23-15 and signed on 12-23-15.

ii. Vetoes: None

iii. Phone Polls:

12-21-15: Reason for Phone Poll: to adopt Tribal Resolution: Amendment to Tribal Resolution # 042715-01, Appropriation of Funds for the 2016 Operating Budgets and Restatement of Funding Allocation for the 2016 Fiscal Year, to address FY 2016 Budget
Vote- 8-yes; 0-no; 0-Abstained; 0-Absent

12-21-15: Reason for Phone Poll: to approve Certified Motion: Request for Funding from Michigan Department of Environmental Quality FY 2017 Coastal and Estuarine Land Conservation WyCamp Creek Project.
Vote- 8-yes; 0-no; 0-Abstained; 0-Absent

12-21-15: Reason for Phone Poll: to adopt Tribal Resolution Authorizing Department of Natural Resources Department to Carryover FY 2015 Treaty Enhancement Funds, in the amount of approximately \$30,000.00.
Vote- 8-yes; 0-no; 0-Abstained; 0-Absent

Motion made by Councilor Shananaquet and supported by Treasurer Reyes to acknowledge receipt of Secretary Otto's verbal and written report as presented on the agenda for January 7, 2016.

Vote: 7 - Yes, 0 - No, 0 - Abstained, 1 – Absent (Councilor Naganashe)

Motion carried.

Motion made by Councilor Law and supported by Councilor Shananaquet to accept Treasurer Reyes' verbal report for January 7, 2016.

Vote: 7 - Yes, 0 - No, 0 - Abstained, 1 – Absent (Councilor Naganashe)

Motion carried.

Tribal Council Travel Reports: none at this time.

1 **10:56 a.m.** Motion made by Councilor McNamara and supported by Councilor
2 Shananaquet to go into closed session for land.

3 Vote: 7 - Yes, 0 - No, 0 - Abstained, 1 – Absent (Councilor Naganashe)

4 Motion carried.

5
6 **11:48 a.m.** Motion made by Councilor Shananaquet and supported by Councilor
7 Law to return to open session.

8 Vote: 6 - Yes, 0 - No, 0 - Abstained, 2 – Absent (Councilor Naganashe, Councilor
9 Harrington)

10 Motion carried.

11
12 **11:49 a.m. Public Comment opened:** No comments.

13 **11:49 a.m. Public Comment closed.**

14
15 **Land and Reservation Committee:** no meeting, no report. Next meeting is
16 January 15, 2016 at 9:00 a.m.

17
18 **Ethics Committee Meeting:** no meeting, no report. 1st meeting will be at 1:30
19 p.m. in the Tribal Council Chambers.

20
21 **11:52 a.m. Lunch recess.**

22 **1:30 p.m. Meeting resumed.**

23
24 Motion made by Councilor Law and supported by Treasurer Reyes to accept Sr.
25 Financial Analyst Stella Kay's verbal and written report for January 7, 2016.

26 Vote: 8 - Yes, 0 - No, 0 - Abstained, 0 – Absent

27 Motion carried.

28
29 Motion made by Councilor Law and supported by Councilor Shananaquet to
30 accept Legislative Services Attorney Budnick's verbal and written report for
31 January 7, 2016.

32 Vote: 8 - Yes, 0 - No, 0 - Abstained, 0 – Absent

33 Motion carried.

34
35 **2:06 p.m.** Motion made by Councilor Law and supported by Treasurer Reyes to
36 go into closed session for legal.

37 Vote: 8 - Yes, 0 - No, 0 - Abstained, 0 – Absent

38 Motion carried.

39
40 **2:42 p.m.** Motion made by Councilor Shananaquet and supported by Councilor
41 Harrington to return to open session.

42 Vote: 8 - Yes, 0 - No, 0 - Abstained, 0 – Absent

43 Motion carried.

1 Motion made by Councilor Law and supported by Treasurer Reyes to accept the
2 Enjinaaknegeng Report as presented by General Counsel Bransky for January 7,
3 2016.

4 Vote: 8 - Yes, 0 - No, 0 - Abstained, 0 – Absent

5 Motion carried.

7 Motion made by Councilor Shananaquet and supported by Councilor Harrington
8 to accept Legislative Office Manager Portman-LaCount's verbal and written
9 report for January 7, 2016.

10 Vote: 8 - Yes, 0 - No, 0 - Abstained, 0 – Absent

11 Motion carried.

13 Motion made by Councilor Shananaquet and supported by Councilor Law to
14 amend the agenda to include the following: Reservation litigation travel; Tax
15 Agreement Appendix A; Posting of the Constitutionally Mandated Compensation
16 for Tribal Prosecutor; Living Wage Assessment; and Taskforce for National
17 Association of Food Distribution Program on Indian Reservations (NAFDPIR).

18 Vote: 8 - Yes, 0 - No, 0 - Abstained, 0 – Absent

19 Motion carried.

21 **2:59 p.m.** Councilor Bernard left the meeting.

23 **2:59 p.m.** Public comment opened: no comments.

24 **3:00 p.m.** Public Comment closed.

26 **3:01 p.m. Break.**

27 **3:10 p.m. Meeting resumed.**

29 Motion made by Councilor Shananaquet and supported by Councilor Harrington
30 to accept the Tribal Burial Board Inc., Corporate Charter 2015 4th Quarter Report
31 as presented by Wesley Andrews Board Chairperson.

32 Vote: 7 - Yes, 0 - No, 0 - Abstained, 1 – Absent (Councilor Bernard)

33 Motion carried.

35 Motion made by Councilor Law and supported by Councilor Shananaquet to
36 approve the Independent Contracting Agreement between Little Traverse Bay
37 Bands of Odawa Indians and Wesley Andrews, d.b.a. Andrews Cultural
38 Resources for Native American Graves Protection and Repatriation Act
39 (NAGPRA); Michigan Anishnaabeg Cultural Preservation and Repatriation
40 Alliance (MACPRA); and Tribal Historical Preservation Office (THPO) services.

41 Vote: 7 - Yes, 0 - No, 0 - Abstained, 1 – Absent (Councilor Bernard)

42 Motion carried.

44 Motion made by Councilor Shananaquet and supported by Councilor Law to
45 acknowledge receipt of Beverly Wemigwase's resignation from the Gaming
46 Regulatory Commission as received by the Legislative Office on December 16,

1 2015, and to extend a Chi Miigwech for her 16 years of services on this
2 Commission.

3 Vote: 7 - Yes, 0 - No, 0 - Abstained, 1 – Absent (Councilor Bernard)

4 Motion carried.

5
6 Motion made by Councilor McNamara and supported by Councilor Harrington to
7 appoint David Dominic to the Natural Resources Commission to serve the
8 remainder of a four (4) year term ending December 31, 2017.

9 Vote: 3 - Yes, 4 – No (Councilor Shananaquet, Treasurer Reyes, Councilor
10 McNamara, Councilor Naganashe), 0 - Abstained, 1 – Absent (Councilor
11 Bernard)

12 Motion failed.

13
14 Motion made by Councilor Law and supported by Treasurer Reyes to assign Lisa
15 Flynn to the Traditional Tribal Burial Board, Inc. to serve a four (4) year term
16 ending January 5, 2020.

17 Vote: 7 - Yes, 0 - No, 0 - Abstained, 1 – Absent (Councilor Bernard)

18 Motion carried.

19
20 Motion made by Councilor Law and supported by Councilor Shananaquet to
21 assign Joseph VanAlstine to the Zibimijwang, Inc. to serve the remainder of a
22 term ending January 8, 2019 and approve Zibimijwang, Inc. Corporate Charter
23 as updated.

24 Vote: 7 - Yes, 0 - No, 0 - Abstained, 1 – Absent (Councilor Bernard)

25 Motion carried.

26
27 **Review Denemy Letter of Interest and Resume' for qualifying factors.**

28
29 Motion made by Treasurer Reyes and supported by Councilor Law to
30 acknowledge receipt of the letter of interest from William A. Denemy for the
31 Gaming Enterprise Board and set up an interview.

32 Vote: 7 - Yes, 0 - No, 0 - Abstained, 1 – Absent (Councilor Bernard)

33 Motion carried.

34
35 **Review Harrington Letter of Interest and Resume' for qualifying factors.**

36
37 Motion made by Councilor McNamara and supported by Councilor Shananaquet
38 to acknowledge receipt of the letter of interest from Ken Harrington for the
39 Gaming Enterprise Board.

40 Vote: 6 - Yes, 0 - No, 1 – Abstained (Councilor Harrington), 1 – Absent
41 (Councilor Bernard)

42 Motion carried.

43
44 Motion made by Councilor Shananaquet and supported by Councilor Law to re-
45 post the Compensation for Tribal Council Draft Statute to the Legislative
46 Calendar as sponsored by Councilor Law.

1 Vote: 7 - Yes, 0 - No, 0 - Abstained, 1 – Absent (Councilor Bernard)

2 Motion carried.

3
4 Motion made by Treasurer Reyes and supported by Councilor Shananaquet to
5 approve Certified Motion #010716-01; Request for Funding from U.S.
6 Environmental Protection Agency, GLNPO, Great Lakes Restoration Initiative
7 Funding; Lakewide action and Management Plan Projects.

8 Vote: 6 - Yes, 0 - No, 0 - Abstained, 2 – Absent (Councilor Bernard, Councilor
9 Harrington)

10 Motion carried.

11
12 Motion made by Councilor Law and supported by Councilor Harrington to
13 approve Certified Motion #010716-02; Request for Funding from the United
14 States Department of the Interior, Bureau of Indian Affairs; Fire Management
15 Funds, Natural Resources Department Fire management/Fuel Reduction Funds
16 Project.

17 Vote: 7 - Yes, 0 - No, 0 - Abstained, 1 – Absent (Councilor Bernard)

18 Motion carried.

19
20 Motion made by Treasurer Reyes and supported by Councilor Law to approve
21 Tribal Council Travel to the United Tribes of Michigan meeting on February 9 and
22 10, 2016 in Lansing, Michigan.

23 Vote: 7 - Yes, 0 - No, 0 - Abstained, 1 – Absent (Councilor Bernard)

24 Motion carried.

25
26 Motion made by Councilor Naganashe and supported by Treasurer Reyes to
27 disapprove Tribal Minimum Internal Control Standards REG-WOS 2005-006
28 121015-015 as submitted by the Executive Department on 12-10-15.

29 Vote: 6 - Yes, 0 - No, 1 – Abstained (Councilor Harrington), 1 – Absent
30 (Councilor Bernard)

31 Motion carried.

32
33 Motion made by Treasurer Reyes and supported by Councilor Naganashe to
34 approve Tribal Minimum Internal Control Standards REG-WOS 2005-006
35 010616-016 as submitted by the Executive Department on 01-06-16.

36 Vote: 6 - Yes, 0 - No, 1 – Abstained (Councilor Harrington), 1 – Absent
37 (Councilor Bernard)

38 Motion carried.

39
40 Motion made by Treasurer Reyes and supported by Councilor Law to authorize
41 and approve the travel of one or two Tribal Councilors to attend meetings in
42 Michigan, Minneapolis and Washington, D.C. regarding Reservation litigation for
43 FY 2016.

44 Vote: 7 - Yes, 0 - No, 0 - Abstained, 1 – Absent (Councilor Bernard)

45 Motion carried.

1 Motion made by Councilor Law and supported by Councilor Harrington to post
2 the Constitutionally Mandated Compensation for Tribal Prosecutor Statute to the
3 Odawa Register.

4 Vote: 7 - Yes, 0 - No, 0 - Abstained, 1 – Absent (Councilor Bernard)

5 Motion carried.

6
7 Motion made by Councilor Shananaquet and supported by Treasurer Reyes to
8 acknowledge receipt of the memo from Senior Financial Analyst that included an
9 assessment of the current living wage, in accordance with WOS 2013-010,
10 Section XIII.A.4.

11 Vote: 7 - Yes, 0 - No, 0 - Abstained, 1 – Absent (Councilor Bernard)

12 Motion carried.

13
14 Motion made by Councilor Law and supported by Treasurer Reyes to NOT adjust
15 the living wage for FY 2016 based on the assessment presented by the Senior
16 Financial Analyst, in accordance with WOS 2013-010, Section XIII.A.4.

17 Vote: 7 - Yes, 0 - No, 0 - Abstained, 1 – Absent (Councilor Bernard)

18 Motion carried.

19
20 Motion made by Treasurer Reyes and supported by Councilor Shananaquet to
21 approve and authorize the Chairperson to sign the revised Appendix A of the Tax
22 Agreement with the State of Michigan.

23 Vote: 7 - Yes, 0 - No, 0 - Abstained, 1 – Absent (Councilor Bernard)

24 Motion carried.

25
26 Motion made by and supported by to approve Certified Motion #010716-03 for
27 Representation at the Taskforce for National Association of Food Distribution
28 Program on Indian Reservations (NAFDPIR).

29 Vote: 7 - Yes, 0 - No, 0 - Abstained, 1 – Absent (Councilor Bernard)

30 Motion carried.

31
32 Motion made by Councilor Shananaquet and supported by Councilor Law to
33 adjourn.

34 Vote: 7 - Yes, 0 - No, 0 - Abstained, 1 – Absent (Councilor Bernard)

35 Motion carried.

36
37 Please contact the Legislative Office at 231-242-1403, 231-242-1404 or 231-242-
38 1406 for additional updates and clarifications of these minutes as presented.

39
40 These Minutes have been read and approved as written (or) corrected: (delete
41 either the word "written" or "corrected" as pertains to how the minutes were
42 approved.)

43
44
45
46 _____
47 Aaron Otto, Tribal Council Secretary

Date